

Notice of Allowability

Application No.

09/884,941

Applicant(s)

KOJIMA, TOMOAKI

Examiner

Man Phan

Art Unit

2665

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to communications filed 06/21/2001.
2. ☒ The allowed claim(s) is/are 1-6.
3. ☒ The drawings filed on 21 June 2001 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date <u>11/12/03, 01/10/05</u> | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

Reasons for allowance

1. This communication is in response to applicant's communication in the application of Kojima for an "ATM switch and method for controlling traffic shaper thereof" filed 06/21/2001. This application claims foreign priority based on the application #198715/2000 filed 06/30/ 2000 in Japan. Receipt is acknowledged of papers submitted under 35 U.S.C 119(a) – (d), which papers have been placed of record in the file.
2. Claims 1-6 are allowable.
3. The following is an examiner's statement of reasons for allowance: The instant application is deemed to be directed to a no obvious improvement over the prior art of record. The improvement comprises the steps of judging whether or not a shaper corresponding to an assigned circuit number is registered in the shaper/circuit related table in response to an interrogation about the assigned circuit number from the outside, outputs the shaper number of the corresponding shaper in the case where it is registered in the table, and establishes a relationship of a shaper number with the inputted assigned circuit number in the case it is not registered in the table; and a connection control section which interrogates the shaper/circuit control section about the assigned circuit number at the time of a connection set up, chooses a shaper corresponding to the shaper number from the shaper section in the case where the shaper number is inputted from the shaper/circuit control section in response to the interrogation, registers a shaper number corresponding to the assigned circuit number in the shaper/circuit

related table in the case where the shaper number is not inputted from the shaper/circuit control section, and sets up a connection between the chosen shaper and the circuit of assigned circuit number to the output circuit module section, as specifically recited in the claims.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The Elwalid et al. (US#5,978,356) is cited to show the traffic shaper for network nodes and method thereof.

The Bass et al. (US#6,052,375) is cited to show the high speed internetworking traffic scaler and shaper.

The Matsunuma (US#6,091,708) is cited to show the traffic shaper with multiply queues virtual paths.

The Parruck et al. (US#6,198,723) is cited to show the ATM traffic shapers.

The Ohara (US#5,495,472) is cited to show the methods and apparatus for utilizing protection paths as additional working paths in switched ring network systems.

The Raisanen et al. (US#6,633,540) is cited to show the real time traffic shaper with keep alive property for best effort traffic.

The Kamiya (US#6,704,321) is cited to show the traffic shaper.

The Wicklund (US#6,154,459) is cited to show the data shaper for ATM traffic.

The Shahar et al.(US#2003/0007494) is cited to show the method and apparatus for traffic shaper.

5. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have any questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at toll free 1-866-217-9197.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231 **or faxed to:**

(703) 308-9051, (for formal communications intended for entry) **Or:**

(703) 305-3988 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

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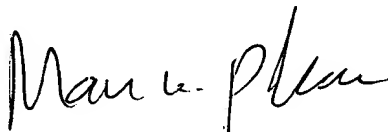
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Man U. Phan whose telephone number is (571) 272-3149. The examiner can normally be reached Monday through Friday from 6:00 am to 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu, can be reached on (571) 571-3155. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2600.

MPhan

Feb. 24, 2005

A handwritten signature in black ink, appearing to read "Man U. Phan". The signature is fluid and cursive, with the first name "Man" and last name "Phan" clearly distinguishable.

MAN U. PHAN
PRIMARY EXAMINER